

THE EDUCATIONAL COMMENTARY ON CURRENT AFFAIRS

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1305 and the right to strike

THE use of Arbitration Order 1305 to prosecute London gas strikers for participating in a strike over a wage dispute, is a direct threat to the entire trade union movement and there is a growing demand for its immediate revocation.

The retention of this Order constitutes a grave menace to the hard-won right of industrial workers to strike and destroys the roots of collective bargaining between the trade Unions and the employers.

The menace of this infamous Order was not fully realised by the Labour and Trade Union movement until the ten gas workers were first sentenced to one month's imprisonment and later, on appeal, when this was reduced to the heavy fine of £50 apiece.

The prosecution revealed the hollow mockery of the claim by Labour and trade union leaders that the Labour Government when it repealed the Trades Disputes Act 1927, had restored the democratic rights

of the trade unions which Baldwin took away following the general strike.

For in giving judgment on the appeal of the ten gas strikers at the London Sessions Appeals Committee, Mr. Anthony Hawke, the chairman, when altering the sentences to fines instead of imprisonment made it clear that all workers who contravene Order 1305 in future will be treated as criminals and punished by the full rigour of the law.

Order 1305 is a war-time measure introduced under the Defence Regulations. It was accepted by the trade unions as a measure necessary in order to carry the war against Fascism to a successful conclusion.

But their acceptance was conditioned by an assurance that it would be removed as soon as hostilities ceased and on the request of either side.

Who benefits under Order 1305?

THE employers, because they regard Order 1305 as a weapon in their favour, naturally want to maintain it. There has been, however, a growing and insistent demand in the trade union movement for its repeal.

This reached its highest stage at the Trade Union Congress this year when a resolution submitted by the National Union of Railwaymen for the repeal of the Order was defeated by 5,166,000 votes to 2,423,000.

This big minority vote was cast despite pleas from the platform for the retention of the order until the time was "more opportune for its ending."

It is of enormous significance that the use of Order 1305 which as we show later makes all strikes illegal, takes place in a period of full employment and when there have been no great industrial upheavals.

But these favourable conditions are not likely to last. There are visible signs that the government's £3,600 million rearmament

ment programme is going to send the cost of living figures sky-high. This is the basis of big movements now on for wage increases.

Furthermore, if the employers resort to their usual methods when faced with greater competition in world markets, they will endeavour to reduce costs by attacking wage rates and conditions. It is well to remember Mr. Baldwin's statement when,

faced with an economic slump in the 1930's, he baldly said "The wages of all workers must come down."

The same thing may be said again and, if the workers strike in consequence, Order 1305 is there to protect the employers and to make every trade unionist a criminal and liable to imprisonment if he exercises his right to strike to protect his wage rates and conditions.

What is Order 1305 ?

THIS was introduced as a war-time measure under Defence Regulation 57AA. Its full title is :—Conditions of Employment and National Arbitration Order 1940 (S.R.O. 1305/40). Under this Order no strike or lock-out can take place until—

1. The trade dispute has been reported to the Ministry of Labour.
2. 21 days have elapsed since the report was made.
3. The Minister has not during that time referred the dispute for settlement.

The Minister can refer the dispute to the usual negotiating procedure for the industry (e.g. National Reference Tribunal for the Mining industry and Railway Staff National Tribunal for the railway industry), refer it to a Court of Inquiry ; or refer it to the National Arbitration Tribunal.

The decisions of the Tribunals, in each case, is binding on both parties and must be accepted without question.

Although the Order applies to lock-outs and to strikes it has rarely been used against the employers. This was demonstrated in the recent London print dispute.

Speaking in the debate at the T.U.C. this year for the repeal of Order 1305 Mr. R. Willis, General Secretary of the London Society of Compositors, said whatever the merits of the Arbitration Order during the war, it had now become in many respects an instrument of the employers.

Although the Minister of Labour was

warned of the employers' intention to lock-out 5,000 members of his union, he said, three days before the actual lock-out, no action was taken to bring both sides together.

"One feels that if this had been a strike instead of a lock-out the Minister would have acted with great speed," said Mr. Willis, who went on to recall that he had been told that the Attorney General had considered the legality of the lock-out and could not recommend the Minister to institute proceedings against the employers. "I expressed the opinion that the Attorney General was wrong," said Mr. Willis, "and that we would fight. If the worker strikes it is black ; if the employer locks out it is white."

Then there is the case of the strike of 1,000 workers at Duple Motor Bodies Hendon. The dispute here started on October 19th when the management sought to declare about 40 workers as redundant.

This was the first step towards the sacking of nearly four-fifths of the factory's personnel by the middle of November.

Duple workers regarded this step as a move by the employers to create an "artificial redundancy" to get rid of leading trade Unionists and to break down trade union shop organisation.

The strike started by being "unofficial" but when the Executive Committees of four of the five Union's involved recognised the strike and declared it official, the employers wrote to the Minister of Labour appealing to him to evocate Order 1305 and, presumably, declare the strike illegal.

Manchester Guardian, Sept. 8, 1950.

How have employers' delaying tactics been helped by Order 1305?

THE trade unionists' main objection to Order 1305 is that it is compulsory and the decisions of the National Arbitration Tribunal are final and beyond challenge.

Apart from the fact that decisions of the N.A.T. are weighted against the workers in favour of the employers, when decisions are given conceding some advance for the workers the award is not made retrospective, but in the majority of cases dated from the date of the Arbitration decision.

In a great many cases negotiations on a wage claim have been conducted over a long period and the employers have saved many £ millions by their delaying tactics.

A classical example of this is the result of the claim of two and a half million engineers for a wage increase of £1 a week.

This demand was presented to the employers by the Confederation of Shipbuilding and Engineering Unions early this year. It was rejected by the employers on February 2nd, 1950.

Since then the issue has gone through the tortuous negotiating procedure of the industry during which, largely as the result of the machinations of certain trade union leaders, the engineers, by ballot vote, decided against strike action in favour of arbitration.

The claim was then submitted to the National Arbitration Tribunal which recommended on November 15th an increase of 8s. a week for unskilled and 11s. for skilled engineers. A big proportion of top rate engineers were excluded from the award.

The Tribunal not only awarded a smaller sum than the Unions were demanding but they made the award applicable from the first pay day after November 13th, 1950!

So the employers gained many millions

of £'s at the expense of the workers through the operation of Order 1305.

The delay in wage negotiations was the cause of the recent strike of London gas workers.

In November 1948, they submitted a claim through the proper constitutional channels for a wage increase of 4½d. an hour.

Not receiving any confirmation that their claim was even being proceeded with, on August 2nd, 1950, they held a mass meeting where it was agreed to give notice that unless the claim was granted they would strike on September 1st.

Full publicity was given to this decision—both in the press and to the union leaders.

No notice was taken by the Ministry of Labour and the men did strike but this was called off when the strikers were told that negotiations on the claim were to take place the following week.

Negotiations did take place and the men were given an increase of 1½d. an hour in place of the 4½d. they were demanding.

This offer by the National Gas Council was accepted by the union leaders but was rejected by the 1,500 gas workers who went on strike for three weeks.

Ten of their number, eight of whom are loyal members of the Labour Party, were summoned because the dispute had not been referred to the Ministry of Labour in accordance with the provisions of Order 1305.

These men were forced to take the action they did; they were merely carrying out the traditional and legitimate role of the trade Unions in their efforts to get a living wage for their members. Yet they were treated as criminals!

Does this mean that all strikes are illegal?

THERE is still a certain amount of confusion in the trade Union movement regarding the operation of Order 1305.

It must be emphasised that any strike—official or un-official—is illegal if the dispute in question has 1.—not been referred to the Minister of Labour, or 2.—if the Minister has taken steps within 21 days to

settle the dispute. Moving a resolution calling for the repeal of this Order, at the T.U.C. this year Mr. J. B. Figgins, General Secretary of the National Union of Railwaymen said that the time was now opportune.

“Organised labour was being prevented from taking advantage of the conditions of full employment in pressing

wage claims. It was an insult to the intelligence and responsibility of the unions to suggest that there would be a scramble for wage increases if the Order were abolished.

"Employers were using it as a last line of defence against wage demands. In 113 cases submitted to the National Arbitration Tribunal this year, only 17 awards had been in favour of the workers. The railway unions had avoided compulsory arbitration from 1942 to 1949 because they were convinced that it would go against

them and this was confirmed when the Minister of Labour forced them to take a dispute to arbitration last year.

"Mr. Figgins appealed to delegates to restore the freedom of unions to negotiate freely in their established machinery, and remove the means by which employers could evade justified concessions. This advantage, he added, belonged rightly to the workers in present economic conditions."

The Times, Sept. 8, 1950

When will the order lapse?

SOME of the delegates argued against the repeal of the Order on the grounds that it was of some assistance to the smaller unions, whose negotiating machinery was unsatisfactory. This is a fallacy.

As already stated when the Order was introduced in 1940 it was explicitly stated that it would lapse with the ending of the war.

In point of fact the lapsing of this Order was provided for in Section 19 of the Wages Council Act 1945 which laid down that when Part III of Order 1305 (the part

which some people are anxious to preserve) expires, certain provisions in Schedule 3 of the Act shall come into force.

These provisions are a reproduction (with certain modifications) of the said Part III of Order 1305.

In view of this fact there is nothing standing in the way of all trade unions acting in question has not been referred to the Minister of Labour, and that he has failed within 21 days to take action to together to demand the revocation of this Order.

What must be done about it?

THE use of this Order against the gas strikers has already caused a nationwide protest with demands for its repeal.

£1,000 was quickly collected for the defence of the ten men and over 400 delegates attended a conference in London which unanimously adopted a resolution calling for the ending of Order 1305 "and any other legislation designed to restrict the workers hard-won right to withdraw their labour."

A further resolution called on the branches, District Committee and National Executives of the trade unions "to ensure that a resolution calling for the ending of Order 1305 appears on the agenda of the Labour Party Conference, T.U.C. and all Trade Union Annual Conferences this year."

In his report to the Executive Committee of the Communist Party on October 14 Mr. Harry Pollitt said: "They must be vigilant in defending the right to strike. No single gain of generations of past trade union struggles has been more hardily won by us and is more precious than the right to strike."

"Today it is in graver jeopardy than ever before in living memory."

"The fight for the withdrawal of Order 1305 now takes on a specially urgent

significance."

Daily Worker, Oct. 16th, 1950.

This urgency is more than borne out in what is happening in the railway industry. The three railway Unions representing about 600,000 railway workers submitted claims for wage increases to the Railway Executive.

The Railway Executive during the negotiations offered small increases—far below what the Unions demanded—on condition they accepted certain conditions.

As these conditions would worsen the conditions of the workers they have been rejected by the Union leaders who have decided to make a joint approach to the Minister of Labour.

There is every possibility that the dispute between the Unions will finally land itself before an Arbitration Tribunal. Should this happen railway workers may be faced with the prospect of an Arbitration decision—which is binding on both sides—in favour of an unsatisfactory wage offer and the conditions attached thereto by the Railway Executive.

This explains why railway workers are in the forefront of the struggle to insist that—

ORDER 1305 MUST GO